

REMARKS / ARGUMENTS

Claims 16 and 28-35 are pending in the present application. Of these claims, 16 and 28 are independent.

Claims 16 and 28-33 were rejected under the judicially created doctrine of obviousness type double patenting over claims 1, 3-4 and 11 of U.S. Patent No. 6,629,953.

Claims 16, 28-30 and 33 were rejected as being anticipated by Kleshinski (U.S. Patent No. 6,245,012). Claims 31-32 were rejected as being obvious over Kleshinski in view of Fearnot (U.S. Patent No. 5,100,423). Claims 34-35 were rejected as being obvious over Kleshinski.

Discussion

Amended independent claims 16 and 28 are patentably distinguishable over Kleshinski since Kleshinski does not disclose or suggest a material removing element which is “movable along the inner surface of the cage to remove the material extending into the openings” as claimed. The stent 14 of Kleshinski is not “movable along the inner surface of the cage” since the stent 14 simply serves to support the cage rather than being a material removing element which is movable along the inner surface of the cage as claimed.

Dependent claims 29-35 are allowable since they depend from allowable independent claim 28 and because they recite independently patentable features. For example, dependent claim 31 recites “a collapsible bag positioned to receive the material removed by the material removing element” which is not disclosed or suggested by Kleshinski or Fearnot.


CONCLUSION

Applicant submits that all claims are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-412-3322.

Respectfully submitted,

May 21, 2007
Date


Jens E. Hoekendijk
Reg. No. 37,149

Jens E. Hoekendijk
P.O. Box 4787
Burlingame, CA 94011-4787
Tel.: 415-412-3322
Fax: 650-871-7688